



# **INNER WEST COUNCIL**

**INNER WEST LOCAL PLANNING PANEL  
MEETING**

**Tuesday, 18 December 2018**

**MINUTES**

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held in the Council Chambers, Leichhardt Town Hall, Norton Street, Leichhardt on Tuesday, 18 December 2018.

Present: Mr Kevin Hoffman in the chair; Mr John McInerney; Ms Lindsey Dey, Ms Heather Warton.

Staff Present: Development Assessment Manager; Team Leader Development Assessment and Development Support Officer.

Meeting commenced: 2:05 pm

**\*\* ACKNOWLEDGEMENT OF COUNTRY**

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past and present.

**\*\* DECLARATION OF PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

Ms Heather Warton declared a non-pecuniary interest in Item 3 as she knows the applicant's planner in a professional capacity. She does not believe there is a conflict of interest in this matter.

**\*\* DEFERRAL OF ITEM**

Item 6 – 11a Moonbie Street Summer Hill to be deferred to the next available Inner West Local Planning Panel Meeting.

*The following people addressed the Panel in relation to this item:*

- *Mr Matthew Fraser*

<b>IWPP656/18 Agenda Item 1</b>	D/2018/294
<b>Address:</b>	238 Catherine Street, Leichhardt
<b>Description:</b>	Alterations and additions to existing dwelling-house, including first floor addition, and associated works including extension of shared chimney at Nos. 236 and 238 Catherine Street.
<b>Applicant:</b>	Ms S Binley

*The following people addressed the meeting in relation to this item:*

- Sarah Binley

## **DECISION OF THE PANEL**

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the panel was unanimous.

<b>IWPP657/18 Agenda Item 2</b>	DA201800055
<b>Address:</b>	112-116 Parramatta Road, Stanmore
<b>Description:</b>	To demolish existing improvements and construct a 5 storey mixed use building containing a shop and 35 boarding rooms including a manager's room with associated car parking.
<b>Applicant:</b>	Environa Studio

*The following people addressed the meeting in relation to this item:*

- *Christine Rose*
- *Tone Wheeler*
- *Adam Bowen*

*Matter adjourned 2:48pm*

*Matter resumed 3:24pm*

## **DECISION OF THE PANEL**

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **refused** for the following reasons:

The Panel is concerned with the following matters in respect of the proposal:

- Non-compliance with the LEP development standard for Floor Space Ratio;
- Non-compliance with the LEP development standard for Building Height;
- Non-compliance with the ARH SEPP and DCP minimum room sizes;
- Non-compliance with the laneway building envelope control set out in the DCP;
- Adverse impacts in terms of loss of privacy, bulk and overshadowing on neighbours to the rear of the site on Corunna Street;
- The density of the proposal does not adequately respond to the contextual constraints of the site in accordance with Council's DCP;
- Poor relationship with the adjacent Heritage Conservation Area;
- Poor interface treatment to the low density residential to the south of the site;
- Window treatment in relation to neighbour privacy on the southern elevation (southern building);
- Inconsistencies and lack of clarity in the submitted Plan of Management (for example allocation of car parking).

The proposal does not comply with the prescribed building envelope from the rear lane and includes a substantial variation to the FSR control. The Panel considers that a solution to the above deficiencies can be achieved through a reduction in the height of the building and number of units – most suitably by the removal of Level 5 of the rear building.

For the above reasons, the Panel does not accept the recommendations of Council's report including the conclusions as to the Clause 4.6 request to vary the development standard and the application is refused.

The decision of the panel was unanimous.

<b>IWPP658/18 Agenda Item 3</b>	D/2018/251
<b>Address:</b>	Empire Hotel, 103A Parramatta Road, Annandale
<b>Description:</b>	Basement and ground floor alterations and additions to existing Hotel building, including alterations to ground floor gaming area, works to basement to permit use as lounge/bistro, bar and pizza bar plus new below awning signage. Consent for hours of operation from 10 am to 3 am Wednesday to Saturday and 10 am to midnight Sunday to Tuesday over the licensed portion of the hotel (basement and ground floor levels) is also sought.
<b>Applicant:</b>	Empire Hotel Annandale

*The following people addressed the meeting in relation to this item:*

- *Eric Armstrong*
- *Jason Perica*
- *Natalie Rumore*

Matter adjourned 3:52pm

Matter resumed 4:48pm

## **DECISION OF THE PANEL**

Matters raised by the applicant and consideration by the Panel:

- Condition 4(a) “deletion of under-awning signage”: The Panel adheres to this requirement due to Traffic Engineer’s advice regarding obstruction and distraction from traffic controls at the intersection of Parramatta Road and Johnson Street;
- The Panel does not believe that the applicant’s acoustic report addresses trading until 3am for the whole of the premises including the existing Hotel and the proposed extensions. Therefore the Panel does not support the extension of trading hours at this time and it should be subject to a future application.
- Accordingly, Condition 58 be amended to allow for the following trading hours only:
  - 10am-10pm Sunday –Tuesday
  - 10am -12midnight Wednesday – Saturday

As per page 184 of the assessment report, with any variation subject to a further application to Council supported by a properly detailed acoustic assessment for the whole Hotel operation including ground floor and basement including all equipment.
- All other references to trading hours or trial periods be removed or reconciled in light of the above point (for example Condition 59 is deleted);
- Condition 9(b) to be retained;
- Condition 9(c) to refer to Condition 58;
- Condition 9(d) be amended to add the words “as they occur” at the end of the condition.
- Condition 9(e) is to be added to read “a revised Plan of Management is to be submitted for the approval of Council’s Manager Development Assessment prior to the issue of a Construction Certificate” and the last line of Condition 9 be deleted.

- The scope of the new works is not considered to be “minor”, as described by the applicant as it includes substantial intensification and expansion of the use including a Clause 4.6 variation to the Floor Space Ratio development standard and the retention of Condition (23) is in the public interest.

Decision:

A:

The applicant has made a written request pursuant to Clause 4.6(3) of the Leichhardt LEP 2013 in support of the contravention of the development standard for Clause 4.4A – Floor space ratio. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds, the proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

B:

That the Inner West Local Planning Panel exercising the functions of the Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant a Deferred Commencement consent to Development Application No. D/2018/251 for basement and ground floor alterations to existing Hotel building, including alterations to ground floor gaming area, works to basement to permit use as lounge/bistro, bar and pizza bar at the Empire Hotel, 103A Parramatta Road, Annandale subject to the Council’s recommended conditions amended by the considerations above and shown in Attachment A.

The decision of the panel was unanimous

<b>IWPP659/18 Agenda Item 4</b>	10.2018.175.1
<b>Address:</b>	9 Bogan Street, Summer Hill
<b>Description:</b>	Removal of a tree in rear yard
<b>Applicant:</b>	Mr M A Calladine

***DECISION OF THE PANEL***

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the panel was unanimous.

<b>IWPP660/18 Agenda Item 5</b>	10.2018.121.1
<b>Address:</b>	156 Smith Street, Summer Hill
<b>Description:</b>	Alterations and additions to an existing dwelling including the construction of a studio and pool
<b>Applicant:</b>	Mr J P North

*The following people addressed the meeting in relation to this item:*

- *John North*

*Matter adjourned 5:07pm to address Item 7*

*Matter resumed 5:55pm*

### **DECISION OF THE PANEL**

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that report, subject to the following changes:

Condition 5 – retain condition on the basis that the Panel can't verify that the Council officer came to the conclusion that the trees were to be removed. The applicant may lodge a Section 4.55 modification to rectify this if it can be confirmed that the condition was imposed in error.

Condition 6:

- The first part of the condition (first bullet point) regarding the 500mm setback is to be deleted.
- Add a further bullet point “make good the eastern boundary brick wall in the vicinity of the swimming pool with a structural engineer’s certificate to be provided to certify its stability”.

The decision of the panel was unanimous.



<b>IWPP661/18 Agenda Item 7</b>	10.2017.221.1
<b>Address:</b>	322-326 Canterbury Road, Hurlstone Park
<b>Description:</b>	Demolition of existing structures and construction of a 4-storey mixed-use building with 2 ground floor commercial tenancies, 28 apartments on the upper floors and a basement garage.
<b>Applicant:</b>	Dunkirk Property Development Pty Ltd

*The following people addressed the meeting in relation to this item:*

- *Jim Drakoulis*
- *Rachel McCleave*
- *Tania Antonopoulos*
- *Zelfikar Hussein*
- *Chris McGillick*

*Matter adjourned 5:54pm to complete Item 5.*

*Matter resumed 7:04pm*

## **DECISION OF THE PANEL**

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **refused** for the following reasons:

### Matters considered by the Panel:

- Bulk and scale of the proposed building;
- Setbacks of the proposal;
- Visual impact;
- Overshadowing;
- Privacy;
- Poor internal amenity in the proposed units (for example over-reliance on lightwells and recesses)
- Amenity impacts on properties to the rear in the lower density residential zone;
- The development potential of the other land in the B6 zone.

### Decision:

The Panel resolves to refuse the application because:

- a) The proposal fails to comply with the development standard for Floor Space Ratio set out in the Council's LEP;
- b) The Clause 4.6 request to vary the development standard does not provide sufficient environmental planning grounds to justify contravention of the standard;
- c) The proposal will result in unacceptable impacts with respect to:
  - Overshadowing
  - Privacy
  - Overlooking
  - Lack of setback
  - Excessive bulk
  - Insufficient information regarding landscaping

- Negative visual impact
  - Lack of permeable open space
  - Detailing and level of raised communal open space.
- d) Non-compliance with the Apartment Design Guide including:
- Lack of solar access to many of the units, including some indicated by the applicant as compliant – the Panel is concerned about the performance of the wintergardens in this respect;
  - Reliance on “light wells” and recesses for cross ventilation;
  - Lack of deep soil provision (with a minimum width of 6m);
  - Insufficient balcony space with regard to dimensions;
  - Insufficient open space;
  - Insufficient setback on the southern boundary;
  - Inadequate internal separation between habitable rooms and balconies within the development.
- e) The development is the first major redevelopment in the locality, and the Panel considers that a high benchmark design quality and compliance with statutes and development controls needs to be established.

The decision of the panel was unanimous

**The Inner West Planning Local Panel Meeting finished at 7:08pm.**

**CONFIRMED:**

A handwritten signature in black ink, appearing to read 'A. H. Man', is written over a horizontal line. The signature is stylized and cursive.

**Chairperson  
18 December 2018**